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13 Chavonne Browning

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 Chavonne Browning,

18 Plaintiff,

19 vs.

20 Cross Check, Inc.; and DOES 1-10,
21 inclusive,

22 Defendants.

Case No..

CV 13-06404-GAF
(AJW)

COMPLAINT FOR DAMAGES
1. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET. SEQ;
2. VIOLATION OF FAIR DEBT
COLLECTION PRATICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

1 For this Complaint, the Plaintiff, Chavonne Browning, by undersigned counsel,
2 states as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to
8 collect a consumer debt.
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Chavonne Browning (hereafter "Plaintiff"), is an adult
18 individual residing in Los Angeles, California, and is a "consumer" as the term is
19 defined by 15 U.S.C. § 1692a(3).
20

21 5. Defendant, Cross Check, Inc. ("Cross"), is a California business entity
22 with an address of 6119 State Farm Drive, Rohnert Park, California 94928, operating
23 as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. §
24 1692a(6).
25
26
27
28

1 6. Does 1-10 (the “Collectors”) are individual collectors employed by Cross
2 and whose identities are currently unknown to the Plaintiff. One or more of the
3 Collectors may be joined as parties once their identities are disclosed through
4 discovery.
5

6 7. Cross at all times acted by and through one or more of the Collectors.
7

8 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

9 **A. The Debt**

10 8. The Plaintiff allegedly incurred a financial obligation in the approximate
11 amount of \$1,200.00 (the “Debt”) to Rick Case Hyundai (the “Creditor”).
12

13 9. The Debt arose from services provided by the Creditor which were
14 primarily for family, personal or household purposes and which meets the definition
15 of a “debt” under 15 U.S.C. § 1692a(5).
16

17 10. The Debt was purchased, assigned or transferred to Cross for collection,
18 or Cross was employed by the Creditor to collect the Debt.
19

20 11. The Defendants attempted to collect the Debt and, as such, engaged in
21 “communications” as defined in 15 U.S.C. § 1692a(2).
22

23 **B. Cross Engages in Harassment and Abusive Tactics**

24 12. Within the last year, Cross contacted Plaintiff in an attempt to collect the
25 Debt.
26
27
28

1 13. Cross called Plaintiff at an excessive rate, placing calls to her cellular
2 telephone on a daily basis.

3
4 14. During each conversation, Plaintiff explained to Cross that she did not
5 have sufficient funds to pay the Debt in full at that time, however offered to make
6 small payments in an effort to cease collection activity.

7
8 15. Cross refused Plaintiff's proposed payment plan and demanded that
9 Plaintiff repay the Debt in full immediately. Plaintiff requested that Cross stop calling.

10 16. Cross then began calling Plaintiff at her place of employment in an
11 attempt to collect the Debt.

12
13 17. Plaintiff informed Cross that calls to her workplace were inconvenient
14 and prohibited by the policy of her employer.

15
16 18. Thereafter, despite having been so informed, Cross continued to call
17 Plaintiff at place of employment, causing Plaintiff great distress and fear that her
18 employment was in jeopardy.

19
20 19. Plaintiff informed Cross on several occasions that she could not accept
21 the calls at work, and again requested that all the calls cease. Cross stated that it can
22 and will call her any time they want. Cross thereafter continued to call Plaintiff at her
23 place of employment.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, et seq.

20. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

21. The Defendants contacted the Plaintiff at a place and during a time known to be inconvenient for the Plaintiff, in violation of 15 U.S.C. § 1692c(a)(1).

22. The Defendants contacted the Plaintiff at her place of employment, knowing that the Plaintiff's employer prohibited such communications, in violation of 15 U.S.C. § 1692c(a)(3).

23. The Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

24. The Defendants caused a phone to ring repeatedly and engaged the Plaintiff in telephone conversations, with the intent to annoy and harass, in violation of 15 U.S.C. § 1692d(5).

25. The Defendants used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

26. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

1 invasions of privacy and intentional infliction of emotional distress in an
2 amount to be determined at trial for the Plaintiff;

3
4 G. Punitive damages; and

5 H. Such other and further relief as may be just and proper.
6

7 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
8

9 DATED: August 30, 2013

TAMMY HUSSIN

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11 By: _____
12 Tammy Hussin, Esq.
13 Lemberg & Associates, LLC
14 Attorney for Plaintiff, Chavonne Browning
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